

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

|  |   |                              |
|--|---|------------------------------|
| Lee Burgess, #235516,                      | ) |                              |
|  | ) | C/A No. 9:06-cv-2335-GRA-GCK |
| Plaintiff,                                 | ) |                              |
|  | ) |                              |
| v.   | ) | <b><u>ORDER</u></b>          |
|  | ) | (Written Opinion)            |
| Jon E. Ozmint, Director of SCDC; H.        | ) |                              |
| McKinney, Doctor at Kershaw                | ) |                              |
| Correctional Institution; FNU Coley, Nurse | ) |                              |
| at Kershaw Correctional Institution; and   | ) |                              |
| FNU Alewine, Doctor,                       | ) |                              |
|  | ) |                              |
| Defendants.                                | ) |                              |
| _____                                      | ) |                              |

This matter comes before the Court for review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1) and Local Rule 73.02(B)(2)(e), D.S.C., and filed on February 28, 2007. Plaintiff filed this action on August 22, 2006 pursuant to 42 U.S.C. § 1983. The magistrate recommends granting defendants' motion for summary judgment because plaintiff has failed to show facts which state a constitutional violation.

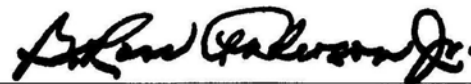
Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff has filed no objections.

After a review of the record, this Court finds that the magistrate's Report and Recommendation accurately summarizes this case and the applicable law. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that defendants' motion for summary judgment be GRANTED.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

March 30, 2007

Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date of the entry of this Order, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.